Unlawful Combatants under the *Nomos* of the Empire

The nation state hold an ambiguous place within postcolonial studies, located in the nexus of the universal-particular. In this project, I question then how racism is constructed/ive in/of a ‘global’ state (whether imperial or cosmopolitan aggregation) – in other word how are the micro and macro levels of racism interwoven in imagining a state, its law, and its subjects in the current US-Iraq context. I examine how they negotiate the space of the unlawful as well. I am particularly interested in the Abu Ghraib ‘prison’. It is located in Iraq – a land governed by a nation-state, yet occupied by an empire. In the case of Abu Ghraib, the punitive system of the prison is integrated into the preventive strategy of the state. In this no-mans-land, I question the construction of the sovereign and the production of a law that legitimized the tortures of “unlawful combatants”. While similar cases were recorded across American ‘prisons’, Abu Ghraib remains the best documented case to date both through the photographs of the Military Police, as well as through newly released documentary *The Ghost of Abu Ghraib*. In theorizing Abu Ghraib, I am interested in the construction of the ‘camp’ as the normalized state of exception as theorized by Agamben and its genealogy marked by shifting terminology. His discussion of the denationalization as a condition necessary for detention is quite compelling in examining the role of the nation under occupation. Rens Van Munster extends Agamben’s argument arguing that through the war on terrorism, the exception has become the rule, with the United States acting as the sovereign on a global level. Ann Stoler argues that the state of exception is the normalized mode under which the empire operates. She argues that the United State as nation-form was forged on the principles of the empire as “[r]acism was written into the very definition of the republican liberties of the United States” (133). In light of the detention and torture of “unlawful combatants” by U.S. forces I argue that nation-form with its citizenship formation has been one of the outposts for resistance of the U.S. legal hegemony.